

## REMARKS

### I. Introduction

In response to the Office Action dated January 21, 2009, claim 27 has been canceled, and claims 1, 16 and 31 have been amended. Claims 1-4, 8, 11, 13-19, 23, 26, 28-34, 48, 41 and 43-45 remain in the application. Re-examination and re-consideration of the application is requested.

### II. Non-Statutory Subject Matter Rejections

On page (6) of the Office Action, claims 1-4, 8, 11 and 13-15 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicants' attorney has amended the claims as indicated above to overcome these rejections. However, should issues still remain in this regard, Applicants' attorney requests that the Examiner indicate how the rejection can be overcome, in accordance with the directives of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (Guidelines) II. See also M.P.E.P. §2106 at page 2100-5. Specifically, should it be necessary, the Applicants' attorney requests that the Examiner identify features of the invention that would render the claimed subject matter statutory if recited in the claim. See Guidelines IV.B. See also M.P.E.P. §2106 at page 2100-10.

### III. Claim Objections

On page (7) of the Office Action, claim 27 was objected to under 37 C.F.R. §1.75(c) as being of improper dependent for failing to further limit the subject matter of a previous claim.

Applicants' attorney has canceled claim 27 as indicated above.

### IV. Prior Art Rejections

The Office Action includes the following prior art rejections:

- In paragraph (10) of the Office Action, claims 1-4, 8, 16-19, 23, 27, 31-34 and 38 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson et al., U.S. Patent No. 7,082,411 (Johnson), in view of Atkins, U.S. Patent No. 5,852,811 (Atkins), in view of Sulkowski et al., U.S. Patent Publication No. 2004/0039688

(Sulkowski), further in view of Wasserman, U.S. Patent No. 7,249,138 (Wasserman), and McCann et al., U.S. Patent No. 5,963,939 (McCann).

- In paragraph (11) of the Office Action, claims 13, 28 and 43 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson et al., U.S. Patent No. 7,082,411 (Johnson), in view of Atkins, U.S. Patent No. 5,852,811 (Atkins), in view of Sulkowski et al., U.S. Patent Publication No. 2004/0039688 (Sulkowski), further in view of Wasserman, U.S. Patent No. 7,249,138 (Wasserman), and McCann et al., U.S. Patent No. 5,963,939 (McCann), further in view of Gillis, U.S. Patent No. 6,405,189 (Gillis).
- In paragraph (12) of the Office Action, claims 15, 30 and 45 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson et al., U.S. Patent No. 7,082,411 (Johnson), in view of Atkins, U.S. Patent No. 5,852,811 (Atkins), in view of Sulkowski et al., U.S. Patent Publication No. 2004/0039688 (Sulkowski), further in view of Wasserman, U.S. Patent No. 7,249,138 (Wasserman), and McCann et al., U.S. Patent No. 5,963,939 (McCann), in view of Gillis, U.S. Patent No. 6,405,189 (Gillis), further in view of Chen et al., U.S. Patent No. 6,625,624 (Chen).
- In paragraph (13) of the Office Action, claims 11, 14, 26, 29, 41 and 44 were rejected under 35 U.S.C. §103(a) as being obvious over Johnson et al., U.S. Patent No. 7,082,411 (Johnson), in view of Atkins, U.S. Patent No. 5,852,811 (Atkins), in view of Sulkowski et al., U.S. Patent Publication No. 2004/0039688 (Sulkowski), further in view of Wasserman, U.S. Patent No. 7,249,138 (Wasserman), and McCann et al., U.S. Patent No. 5,963,939 (McCann), in view of Choy et al., U.S. Patent No. 5,551,027 (Choy).

Applicants' attorney respectfully traverses these rejections. Specifically, Applicants' attorney notes that U.S. Patent No. 7,249,138 to Wasserman is not a prior art reference, but instead is a parent patent for this application. In this regard, this application claims continuation-in-part status under 35 U.S.C. §120 to U.S. Application Serial No. 10/016,779, filed December 10, 2001, now U.S. Patent No. 7,249,138, issued July 24, 2007, as indicated in both the Declaration and specification as originally filed. Consequently, Applicants' attorney requests withdrawal of all rejections based on Wasserman.

V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge all fees to Deposit Account No. 50-4370 of Teradata Corporation (the assignee of the present application).

Respectfully submitted,

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